

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Linda Engelmeier 06/17/2000
Department of Commerce
14th and Constitution Avenue NW
Room 5327
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 04/25/2000.

TITLE: Multispecies Party/Charterboat Closed Area
Exemption Certificate

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0412

EXPIRATION DATE: 06/30/2003

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	528	18	0
Difference	528	18	0
Program Change		18	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT

NORTHEAST REGION MULTISPECIES PARTY/CHARTER CLOSED AREA EXEMPTION REQUIREMENTS

INTRODUCTION

This submission requests approval of Office of Management and Budget (OMB) for the Multispecies Party/Charter Closed Area Exemption Requirements. This submission affects currently cleared requirements under OMB 0648-0202 and 0648-0307. The New England Fishery Management Council (Council) is proposing a Framework Adjustment to the Multispecies FMP (33). The proposed measures include reporting requirements for party/charter vessel owners and operators.

A. JUSTIFICATION

1. Why is the information necessary?

This framework creates a requirement for party and charter vessels to obtain an exemption certificate from NMFS to fish in any of the Gulf of Maine closed areas. At this time these areas are closed to commercial fishing (where fish will be sold) but not to party and charter vessels. Since these vessels may also hold permits for commercial fishing, NMFS has had difficulty in enforcing closures since the vessels could mix fish caught in the closed area with commercial catch outside the area.

A limited access vessel in the exemption program would be prohibited from fishing on a commercial day-at-sea (DAS) while in possession of the certificate. A vessel would obtain a certificate and remain enrolled in the exemption program for a minimum of three months by phoning the National Marine Fisheries Service, Northeast Regional Office's Permit Division. The validity of the exemption certificate is contingent on meeting the requirements of the party and charter vessels, such as the prohibition on sale of fish and minimum fish size. The intent of this action is to control party and charter access to closed areas.

The most significant benefit of this requirement will be better recreational party/charter fishing information for the Gulf of Maine. The Council wants to improve its understanding of what kind and how much recreational fishing activity occurs in the Gulf of Maine closed areas. The exemption certification program will allow NMFS and the Council to identify how many and when party/charter vessels fish in the closed areas. A second important benefit is that vessels that are found in violation of the party/charter restrictions during the enrollment period, particularly the minimum fish size and prohibition on sale of fish could lose their certificate. This action will also provide the greatest flexibility for limited access vessels to engage in both party/charter and commercial fishing on a seasonal basis.

2. How, and by whom, will the information be used?

Several offices of NMFS and the U.S. Coast Guard will use the information. The data collected through this program will be incorporated into the NMFS databases. Aggregated summaries of the collected information will be used to evaluate the management program and future management proposals.

3. Can improved technology reduce the burden?

This proposal utilizes simple phone communication rather than formal written requests or permit category changes to reduce reporting burdens. This system is expected to benefit fishermen by providing more flexibility in a less burdensome and timely fashion. It will also facilitate monitoring of the fishery by enforcement agents.

4. Describe any duplication of effort

This action does not propose any duplication of effort.

5. How are the impacts on small business minimized?

Most of the respondents qualify as small businesses. Only the minimum data needed to monitor compliance with regulations are requested from all respondents; i.e., does respondent intend to party/charter fish within the Gulf of Maine closed areas. The exemption certificate is required for all party/charter vessels participating in the exempted fishery in the Gulf of Maine closed areas.

6. Could the collection be conducted less frequently?

No. By allowing enrollment into the exemption program at any time during the fishing year, fishermen are allowed greater flexibility during the fishing year. However, the Council and NMFS believe that it is imperative that a minimum three-month enrollment period be administered to elevate the administrative burden and easy enforcement of this provision.

7. Explain if request is not consistent with OMB guidelines.

This action is consistent with the OMB guidelines.

8. Describe efforts to get comments from outside the agency.

The specific requirements of Framework 33 were developed over the course of about 3 months and received extensive public discussion in Council, committee and industry advisory meetings. During the 3 months of development, there were six opportunities afforded to the public to make comment on this action. Interested parties were provided the opportunity to submit written comments at that time. A Federal Register Notice also solicited public comment, but none was received.

9. Explain any decision to provide payment to respondents.

No payment or gift will be made to respondents.

10. Describe any assurances of confidentiality.

All data will be kept confidential as required by NOAA Administrative Order 216-100, Confidentiality of Fisheries Statistics, and will not be released for public use except in aggregate statistical form (and without identifying the source of data, i.e. vessel name, owner, etc.)

11. Provide justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of collection of information.

Table 1 summarizes the burden hours, number of respondents, and total burden of the party/charter exemption requirement. The burden hours are based on the number of participants expected in the party/charter exemption program and an average call length of 2 minutes.

13. Provide estimates of the burden of the collection on the public.

A. Annualized capital and start-up costs

No annual capital and start-up costs.

B. Total operations, maintenance, and purchases of services component

There is no cost projected for the purchase of a telephone. All respondents not owning a telephone are assumed to use a public telephone. The costs for the party/charter vessel's (also shown in Table 2) exemption certificate are estimated at \$264 a year. This assumes that all 528 party/charter vessels that are projected to participate in the program enroll at least once during the fishing year. This figure is based on an average phone call charge of \$0.50 per call.

14. Provide estimates of annualized costs to the Federal Government.

The costs for Party/Charter Closed Area Exemption Certificates are estimated at \$403 to the government and are summarized in Table 3.

This figure is based on an average Legal Instrument Examiner's pay wage of approximately \$10.00 per hour. NMFS estimates that each respondent's request for a Party/Charter Closed Area Exemption Certificate will take approximately 2 minutes to process and mail. The remaining costs to the Government are supplies (paper and envelopes) that are estimated to be approximately \$0.10 per respondent and postage (\$0.33 per respondent).

15. Explain potential changes in burden.

This request is for a new management measure for monitoring of party/charter vessels fishing within the Gulf of Maine Closed Areas. The changes in burden requested are the result of program changes/additions that result in additional burden to the public. All burden figures are based on the estimated number of individuals affected. The actual number of individuals may differ from these estimates.

16. Describe any plans for statistical use of the information.

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States, which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only. Data are available to NMFS employees in detailed form on a need-to-know basis only.

17. Explain the reasons why display would be inappropriate.

This action is not requesting approval to not display the expiration date for the OMB approval of the information collection.

18. Explain exceptions.

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures; the requirements are mandatory for participants in the Atlantic sea scallop fishery.

Table 1. Burden and Cost estimates for the Public

Requirement	Number of Entities	Items per Entity	Total Number of Items	Response Time	Total Burden	Cost to Public (1)
Party/Charter Exemption Certificate for Gulf of Maine Closed Areas	528	1	528	.033	17.6	\$264

(1) Estimated to be \$0.50 per entity

Table 2. Annualized Cost Estimates for the Party/Charter vessels.

Equipment	Number of Entities	Equipment Costs	Total Equipment Costs	Annual Message Costs	Total Annual Costs per Vessel(1)	Total Costs
Telephone Call	528	\$0	\$0	\$264	\$0.50	\$264

(1) Estimated \$0.50 per phone call

Table 3. Costs to the Government from Issuance of Party/Charter Exemption Certificates.

Annual Costs		
	Salary and Benefits ¹	\$176
	Supplies ²	\$53
	Postage ³	\$174
	Total Ongoing Costs	\$403
Start-up Costs		\$0
	Annualized Start-up Costs	\$0
Total Annual Costs		\$403

1. Salary and benefits, (rate of \$10.00 per hour)
2. Supplies – paper, envelopes (rate of \$0.10 per respondent)
3. Postage – Rate of \$0.33 per respondent